



1.FW  
AF✓  
HM-743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eberhard Witschas  
Serial No: 10/593,937  
Filed: September 22, 2006  
For: METHOD FOR THE INSERTION OF MACHINE UNITS INTO A  
PRODUCTION LINE  
Examiner: Edward T. Tolan  
Art Unit: 3725

Mail Stop: Appeal Brief-Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

BRIEF ON APPEAL

S I R:

This appeal is taken from the Final Action mailed June 27,  
2008.

Real Party in Interest

The real party in interest in the above-identified application is:

SMS Demag AG  
Eduard-Schloemann-Strasse 4  
DE-40237 Düsseldorf  
Germany

Related Appeals and Interferences

There are no related appeals or interferences of which Applicant is aware regarding the above-identified application.

Status of Claims

Claim 13 has been canceled. Claims 1-12 and 14 are pending in the application and are subject to the present appeal. Claims 1-3 stand rejected under 35 U.S.C. 102(b) over US Patent No. 5,941,115 to Minnerop et al. Claims 1-3, 12 and 14 stand rejected under 35

U.S.C. 102(b) over SMS Demag Newsletter, 9, No. 2, Sept. 2002.

Claims 1-6 and 11 stand rejected under 35 U.S.C. 102(b) over US Patent No. 4,471,642 to Wilson. Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) over Wilson in view of US Patent No. 6,425,278 to Aratani et al. Claims 9 and 10 stand rejected under 35 U.S.C. 103(a) over Wilson et al. in view of US Patent No. 4,423,612 to Uppaluri.

#### Status of Amendments After Final Rejection

An response after final was filed and considered by the Examiner.

#### Summary of the Claimed Subject Matter

The claimed invention will now be summarized with reference to the drawings being made by way of reference numerals.

#### Independent Claim 1

The claimed invention recites a method for installing machine foundations (1) (see page 13, line 5) and/or rolling stands (2) (see page 13, line 6) in an existing production line

of a hot rolling mill and/or for putting them into service in such plants (see page 7, lines 4-8). The machine foundation is prefabricated (see page 13, line 12), and required or interacting machine units are prefabricated and preassembled or assembled on site next to the production line (4) (see page 1, lines 6-11). These machine units are inserted into the production line (4) as a complete modular unit, including the foundation block, wherein all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line (4) (see page 7, lines 12-16).

#### Grounds of Rejection to be Reviewed on Appeal

The following grounds are presented for review:

Whether claims 1-3 are anticipated under 35 U.S.C. 102(b) by Minnerop.

Whether claims 1-3, 12 and 14 are anticipated under 35 U.S.C. 102(b) by SMS Demag Newsletter.

**HM-743**

Whether claims 1-6 and 11 are anticipated under 35 U.S.C.  
102(b) by Wilson.

Whether claims 7 and 8 are unpatentable under 35 U.S.C.  
103(a) over Wilson in view of Aratani et al.

Whether claims 9 and 10 are unpatentable under 35 U.S.C.  
103(a) over Wilson in view of Uppaluri.

ArgumentThe Rejection of Claims 1-3  
under 35 U.S.C. 102(b) over Minnerop:

In rejecting claims 1-3, the Examiner stated the following in the final rejection:

"Minnerop discloses a machine for installing machine unit foundations (2a,3a,4a) having roll sets (12) wherein the foundations are prefabricated and preassembled on site next to the production line (column 3, lines 32-45). The roll sets and foundations are inserted into the production line (1) as a complete modular unit along displacement tracks (16). In column 2, lines 1-5 Minnerop discloses that the preassembled installation is completely examined (tested) with the fittings mounted on during assembly."

Although Minnerop et al. might disclose pretesting roll sets, the reference discloses no more than is disclosed in the first 9 lines of claim 1. Minnerop et al. do not give any indication that a complete unit with all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line. The reference does not disclose or teach a method for installing machine foundations

and/or rolling stands in an existing production line of a hot rolling mill and/or for putting them into service in such plants, wherein all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line so that the equipment can be immediately used once in place in the production line.

Thus, it is submitted that the rejection of claims 1-3 under 35 U.S.C. 102(b) over the above-discussed reference is in error.

**The Rejection of Claims 1-3, 12 and 14**  
**under 35 U.S.C. 102(b) over SMS Demag Newsletter:**

In rejecting claims 1-3, 12 and 14, the Examiner stated the following in the final rejection:

"SMS discloses in figures 1-4 a method of installing concrete foundations into a machine line by displacing them from an area to the side of the machine line into a position within the machine line."

Although the SMS Demag Newsletter discloses that it is known to make roll stands driveable into and out of a rolling line, the

reference discloses no more than is disclosed in the first 9 lines of claim 1. The reference does not give any indication that a complete unit with all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line. The SMS Demag Newsletter only discusses a stand and a foundation, but not all of the auxiliary equipment needed to make a complete functional unit. The reference does not disclose or teach a method for installing machine foundations and/or rolling stands in an existing production line of a hot rolling mill and/or for putting them into service in such plants, wherein all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line so that the equipment can be immediately used once in place in the production line.

Thus, it is submitted that the rejection of claims 1-3, 12 and 14 under 35 U.S.C. 102(b) over the above-discussed reference is in error.



The Rejection of Claims 1-6 and 11  
under 35 U.S.C. 102(b) over Wilson:

In rejecting claims 1-6 and 11, the Examiner stated the following in the final rejection:

"Wilson discloses a machine for installing machine unit foundations (13) having roll stands (12) wherein the foundations are prefabricated and preassembled on site next to the production line (column 2, lines 49-63 and column 4, lines 8-11). The roll sets and foundations are inserted into a mill line as a complete modular unit along displacement tracks (33). Wilson discloses slideways (58) and pairs of double presses (50) carrying elevator members (53) for lifting and inserting vertical stands."

Although Wilson discloses that it is known to make roll stands driveable into and out of a rolling line, the reference discloses no more than is disclosed in the first 9 lines of claim 1. The reference does not give any indication that a complete unit with all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line. Wilson only discusses a stand and a foundation, but not all of the auxiliary equipment needed to make a complete functional unit. The reference does not disclose or teach a method for installing machine foundations and/or rolling stands in an

existing production line of a hot rolling mill and/or for putting them into service in such plants, wherein all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line so that the equipment can be immediately used once in place in the production line.

Thus, it is submitted that the rejection of claims 1-6 and 11 under 35 U.S.C. 102(b) over the above-discussed reference is in error.

**The Rejection of Claims 7 and 8 under 35 U.S.C. 103(a):**

Claims 7 and 8 stand and fall with independent claim 1.

**The Rejection of Claims 9 and 10 under 35 U.S.C. 103(a):**

Claims 9 and 10 stand and fall with independent claim 1.

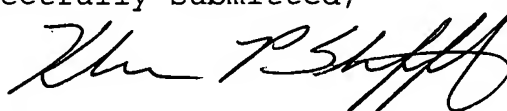
Conclusion

Accordingly, in view of the above considerations, it is Applicant's position that the Examiner's rejections of claims 1-3, 11, 12 and 14 under 35 U.S.C. 102(b) and his rejections of claims 7-10 under 35 U.S.C. 103(a) are in error and should be reversed.

The amount of \$540.00 to cover the fee for filing an appeal brief is being charged as per attached form PTO-2038. Any additional fees or charges required at this time in connection with this application should be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



Klaus P. Stoffel

Reg. No. 31,668

For: Friedrich Kueffner

Reg. No. 29,482

317 Madison Avenue, Suite 910

New York, New York 10017

(212) 986-3114

Dated: June 9, 2009

HM-743

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on June 9, 2009.

By:

  
Klaus P. Stoffel

Date: June 9, 2009

Claims Appendix

1. Method for installing machine foundations (1) and/or rolling stands (2) in an existing production line of a hot rolling mill and/or for putting them into service in such plants,

-- where the machine foundation (1) is prefabricated, and required or interacting machine units are prefabricated and preassembled or assembled on site next to the production line (4), whereupon these machine units are inserted into the production line (4) as a complete modular unit, including the foundation block (1), wherein all the associated drive elements, control elements, fastening elements, as well as pipes, cables, and other pieces of equipment necessary for operation are installed or assembled on the machine/foundation block before insertion into the production line (4).

2. Method according to Claim 1, wherein the preassembled installation is subjected to a preliminary test run on site before it is inserted into the production line (4).

3. Method according to Claim 1, wherein the foundation block (1) with the completely assembled and operationally ready

machine unit/rolling stands (2) is moved into place along at least two displacement tracks (5).

4. Method according to Claim 3, wherein the displacement is carried out in steps alternating between a left displacement axis and a right displacement axis.

5. Method according to Claim 3, wherein the foundation block (1) to be displaced is raised; slideways are inserted between the foundation block (1) and the displacement tracks (5); and the foundation block (1) is displaced and then lowered after reaching its final position.

6. Method according to Claim 5, wherein pairs of intercommunicating double presses are used to raise and lower the foundation block (1).

7. Method according to Claim 6, wherein the presses for raising the foundation block (1) are supported on lifting points / lifting surfaces (9, 10, 11) embedded in the displacement tracks (5).

8. Method according to Claim 6, wherein the presses for lowering the foundation block (1) in the final position are supported on lifting points / lifting surfaces embedded in the displacement tracks (5).

9. Method according to Claim 5, wherein the foundation block (1) is horizontally aligned in the final position on the basis of reference marks on the rolling stand axes.

10. Method according to Claim 5, wherein the foundation block (1) is vertically aligned in the final position on the basis of reference marks.

11. Method according to Claim 5, wherein the foundation block (1) is finely adjusted around its transverse axis.

12. Method according to Claim 1, wherein the foundations of a roll-changing area are at least partially constructed and installed as prefabricated reinforced concrete structures.

14. Method according to Claim 1, wherein the machine foundations are partially or completely constructed as prefabricated reinforced concrete structural elements in the

**HM-743**

assembly area of the foundation block (1) to be displaced, so  
that they can later be used as a base for new machine  
foundations.



HM-743

Evidence Appendix

N.A.

HM-743

Related Proceedings Appendix

There are no related proceedings.